

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
JULY 31, 2006**

**BOARD MEMBERS PRESENT:** Pat Bradley, Dorothy Davis, John Lounsbury, Dave Maddison, Bill Olson, Eileen Pearce, Ed Ruppel and Ann Schwend.

**BOARD MEMBERS ABSENT:** Lane Adamson, Laurie Schmidt and MaryLou Freese.

**OTHERS PRESENT:** County Commissioners Ted Coffman and Frank Nelson, Craig Kenworthy, Louise Ellingswriter, Thomas Block, Bob Bayley, David Bricker, Ron Humphrey, Wally Bowery, Elissa Mitchell, Marilyn Ross, Lois Smith Lehwalder, Karen Rice, Tony McCue, Kim Miller, Nancy O'Neil, David C. Lehwalder, S. A. Carracciolo, Kay Willett, Gayle Schabarker, Allyson Adams, Dennis Foreman, Scott Bechtle, Brent & Mariah Oliver, Kevin Spencer, Gary Bell, Wayne E. Lee, Ross Rooper, Lauren Waterton, Caren Roberty, Jan Murphy and Tracy Menuez.

**President Bill Olson called the meeting to order at 5:00 p.m.**

**President's Comments:** President thanked the board and the audience for coming to the meeting a couple of hours early. He also thanked those assembled for coming to discuss important issues facing the county.

**Public Comment: None**

**MOTION: To approve the minutes of the June 26, 2006 meeting with corrections. Moved by:** Ann Schwend, **seconded by** Eileen Pearce. **All voted aye.**

**OLD BUSINESS:**

**Presentation of Proposed Madison County Housing Plan**

Caren Roberty of Human Resources Development Council office of Bozeman, Montana, presented the Housing Needs Assessment and Five Year Housing Plan. It was prepared for the Madison County Affordable Housing Task Force. She and Tracy Menuez showed a power point demonstration outlining current community housing needs and current conditions. HRDC and the Madison County Housing Task Force had met with community groups in several areas of the county to gather information. They performed an assessment of Madison

County incomes from 1990 and 2000, along with categories for age groups and their incomes. They came up with suggestions for each community to enable them to address their housing needs now and for the future. The power point identified housing strategies and housing resources. Caren invited the Planning Board members to make comments and to let Doris know their opinions of the assessment and any suggestions that they might have. Doris thanked the HRDC and members of the Task Force for their work and participation in recognizing that “affordable housing is a continuing and growing need” in Madison County.

### **Proposed Madison Valley Growth Management Action Plan**

Doris reported that the proposed plan documents will be copied, distributed and put on the county web site.

John Lounsbury summarized the Madison Valley Plan and reported that there were 2000 questionnaires mailed out to box holders in the Madison Valley with a return of 141 responses; a 7.5% return. The remainder of the flyers, 7000 of them, were inserted into the Three Rivers Edition of the Montana Standard and into the Madisonian. Responses were not received from these.

### **Comments from the Audience regarding the Plan:**

Paper insert format was very confusing.  
The questions did not give people a chance to agree or disagree.  
There weren't many property owners at the meetings overall.  
Attendees were a small sample of the population.  
There was a different mix at each meeting and so the opinions and observations were different each time. Lots of people participated and that was the real strength of this process.

### **Comments from Staff and Planning Board:**

There is an opportunity for wider community discussion and feedback.

### **Presentation of Proposed Madison County Growth Policy**

Doris introduced the proposed plan with the description that Growth Policy and Comprehensive Plan are interchangeable terms. The big difference in the new information is an additional list of implementation steps. There was a series of meetings in communities to help to update the plan. Data and statistics have been updated.

## **Discussion points:**

- It would be helpful to have public comment before receiving the staff report on a proposed subdivision.
- This might require that the Planning Board meet twice on a subdivision.
- Encourage the public to make written comments early in the process.
- The process is sufficient as it has been done.
- We need to ask for public input in news articles.
- We don't want to lengthen the process.
- Neighbors of the development should learn to address criteria associated with the review, but not to comment negatively just because they don't want the subdivision.
- The public needs to be educated as to the public process for reviewing subdivisions.
- We don't disregard public comment in the process now.
- Information about the subdivisions and review process should be on the web site.
- Our process is going well currently with proper notification.
- Public notice could encourage people to send their comments in early in the process.

**MOTION: The Planning Board should hold public hearings on the Madison County Housing Plan, Madison Valley Action Plan and Madison County Growth Policy at the Planning Board meeting August 28, 2006.**

**Moved by:** Dave Maddison, **seconded by:** Ann Schwend. **All voted aye.**

***The board took a short supper break at 6:30 p.m.***

**President Bill Olson re-opened the meeting at 7:07 p.m.**

## **PUBLIC HEARING, Review of Proposed Revisions to Madison County Subdivision Regulations**

Doris explained that the proposed revisions to the regulations were precipitated by changes made in the 2005 Legislature. Most of the changes are procedural.

- New regs will address several of these issues. They include:
  1. Definition of first time minor subdivisions is tightened up.
  2. No summary review process allowed anymore.
  3. Building setbacks for condominiums have been eliminated.
  4. The variance review process has changed.

5. Applicant can not switch from a subdivision application to a family transfer.
6. DEQ has agreed to do review of 20 acres or more parcels.
7. Cannot use lack of compliance with the Comprehensive Plan as the only reason for rejection of the project.
8. The review clock doesn't start until the application submitted is deemed sufficient for review.

**Public Testimony and Board discussion points included:**

- It would be helpful if all of the fire districts had the same criteria and standards for review.
- Who decides whether or not an application is complete? Doris and Staci do.
- How long will a public road be a public road and how about maintenance costs with new subdivisions using that road?  
There can be a requirement added for a maintenance agreement to be added to the new subdivision as a condition.
- "Gated Community" needs definition.
- Are the changes to the subdivision regulations just due to the changes from the Legislature, or are some from the Planning Board? Both.

**MOTION: Recommend approval of the Subdivision Regulations as discussed. Moved by:** Dave Maddison, **seconded by:** Ann Schwend. **All voted aye.**

**PUBLIC HEARING, Review of Proposed Madison County Subdivision Review Fees.**

Doris explained that the basis for the proposed fee changes is the amount of time for the staff effort to review the subdivisions and that the added cost should be picked up by the subdividers who are submitting the work.

The proposed fee schedule addresses some specific issues, including:

1. Changing building envelope locations.
2. Amended plats (e.g) (converting hotel units to condos).
3. Office of Emergency Management will do public safety inspections (3 in most cases).
4. Sanitarian has increased costs to visit sites.
5. County Weed Department has increased costs in fuel and time spent.

## **Public Comment:**

- What are you checking for in amended review? Compliance with standards.
- Who will send out certified mailing to adjacent landowners? Planning Office will.
- Why is there a need for an increase in fees when the taxable valuation keeps going up? Each department needs to keep a healthy reserve because the county budgets on a fiscal year starting July 1 and taxes are received by the county in May and November.

**MOTION: To recommend approval of the subdivision review fees as proposed. Moved by:** Ann Schwend. **Seconded by:** Ed Ruppel. **All voted aye.**

Doris reported that the recommendations will be taken to the County Commissioners and they will schedule a second round of hearings before making a decision.

## **Review of Proposed Preliminary Plat, Morning Sun Ridge Minor Subdivision, Ennis, (Mariah & Brent Oliver, landowners)**

Staci Beecher, Madison County Planner 1, presented her review of the subdivision application which she found to be complete. The Minor Subdivision is located ½ mile southwest of Ennis and is proposed to be a creation of four lots on twelve acres with one lot being designated as commercial and residential and one lot containing two townhome units.

## **Discussion points.**

- The road is steep. The road is classified as “mountainous” so that it can have up to a 10% grade.
- Emergency Access. Olivers are working with neighboring property owners to develop a route as emergency egress out of there.
- Condition #14 should address “townhome”, “condominium” and “duplex”.

## **PLANNING BOARD RECOMMENDATION**

Based on the subdivision, staff report with Proposed Findings of Fact, July 31, 2006 public meeting, subsequent review and discussion, the Planning Board

recommends Preliminary Plat Approval be granted to Morning Sun Ridge Minor Subdivision, subject to the conditions listed below:

**[Standard conditions]**

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Road, utility, and ditch easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

**[Additional site-specific conditions]**

6. Prior to final plat approval, DEQ must approve all lots for water, sewer, solid waste, and storm drainage.
7. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being built on.
8. Prior to final plat approval, house and business addresses shall be assigned in accordance with Madison County’s rural addressing and Emergency 911 obtained.
9. Prior to final plat approval, the Montana Department of Transportation approach permit shall be obtained.
10. Prior to final plat approval, the public access subdivision road shall be constructed by the developer in compliance with the design standards

outlined in the November 2000 Madison County Subdivision Regulations, as amended. The subdivision road shall be classified as a “mountainous road” (See page 47 of the regulations). A road sign must be installed, and reseeding of the disturbed areas must occur. All road maintenance, including but not limited to grading and snowplowing and removal, shall be the responsibility of the landowners, not Madison County. In the event that the road and other such required improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be 125% of the engineer’s estimated cost for the improvements. Any letter of credit must cover the time period needed to complete project improvements.

11. Prior to final plat approval or release of financial guarantee (as per condition #10), the subdivider shall provide verification from the Madison Valley Rural Fire District that its fire apparatus can negotiate the subdivision road as designed.
12. Prior to final plat approval, an emergency access easement document with the neighboring property owners to the west must be provided to ensure an emergency egress connection to Antelope Meadows Road and/or Valley View Court.
13. A building envelope plan must accompany the final plat, **or** the final plat must identify the building envelopes (subdivider’s choice). If the subdivider chooses to submit a building envelope plan, the County Planning Office shall serve as a repository for the plan. Proposed building envelopes changes shall require County review and approval. The face of the final plat shall reference the building envelope plan.
14. The final plat must be revised to reflect two separate townhome lots instead of one lot with two townhomes on it; **or**, the final plat must be revised to show Lot 1 as a condominium lot and the subdivider shall meet the requirements of the Montana Ownership Act (under MCA); **or**, the final plat must be revised to show Lot 1 as a multifamily (duplex) lot and Condition #15 below is deleted.
15. The final plat or site plan shall show building setback requirements for the two townhome lots, as follows: at least twenty-five (25) feet from the site

boundary adjoining the right-of-way of a road or highway and fifteen (15) feet from the other boundaries of the development site.

**MOTION: To recommend approval with condition #14 being revised to reflect the 3 building type options, townhome, condo and duplex. Moved by: Ann Schwend. Seconded by: Dorothy Davis. All voted aye.**

## **SUBDIVISION PRE-APPLICATIONS:**

### **Nye Minor Subdivision**

Staci described this division of land as Lot 28 of Virginia City Ranches to be divided into 3, 5.1 acre parcels.

#### **Comments and Questions from the Board & Staff:**

- Will these lots have difficulty getting water?
- Are the lots too long and skinny?
- If there were building envelopes, then they could be required to drill three test wells.
- Is the land in-fill?

### **Slopeside Subdivision at the Yellowstone Mountain Club-Big Sky**

Doris described the project as a 35 acre 6 condo-duplex development close to the new lodge and fire station at Yellowstone Club.

#### **Comments and Questions from the Board and Staff:**

- How much of a variance is needed regarding minimum building setbacks?

### **Lone Moose Meadows, Ph. 1 (plus Overall Development Plan) – Big Sky**

Lauren Waterton described the project as being in Gallatin and Madison Counties. There would be 15 single family lots in Phase 1 and plans for multi family townhomes in Phase 2.

#### **Comments and Questions from those present:**



- There should be an avalanche risk analysis.
  - Is there a permit to the State highway? It is in process..
  - Will this be ski-in, ski-out? Not likely. Not good access.
  - The corner on the road going onto the bridge is too severe.
  - Will there be employee housing? Not sure.
  - The maps are more like cartoons than maps. They have no scale, no intervals marked.
  - There should be a field trip to this site.
  - Wayne Lee who lives in neighboring area had concerns.
  - The existing road is steep.
  - They were:
    1. Roads cannot be up to AASHTO standards.
    2. The proximity of the road to neighbors' bedrooms is bad.
    3. Would like to be notified of future public hearings.
    4. The road would block off my ability to ski-in, ski-out.
- Ross Rooper, representative of owner, responded that they would have to relocate the ski access.

## **MOUNTAIN CLUB, PHASE 1 (plus Overall Development Plan Update)-Big Sky**

Scott Bechtle of Bechtle-Slade Architecture presented the information regarding this proposal. The developers propose to create one multi-family tract to house 16 condominium units, plus 33 single family lots. This is located within the Powder Ridge Subdivision area in Big Sky.

### **Questions and Concerns:**

- Will there be building envelopes? Yes.
- Will there be skier bridges and tunnels? Yes.
- Is this in the BSOA? Yes.
- What is the grade of the road? 10%
- We should also take a field trip to look at this area.

### **Comments from the Developer/Representative:**

- This will be a continuation of Powder Ridge and in the Big Sky Water and Sewer District.
- Developer is in the process of gathering information re:
  - a. Wildlife, water, geotech, skier terrain and slope.
  - b. Traffic study is also in process.

## **OLD BUSINESS, continued:**

### **Development Impact Fees**

Doris reported that there has not been a report from Paul Tischler yet.

### **Planning Office Budget, Fiscal Year 2006-07**

Doris reported that the new fees will help keep the Planning Office operating and keep the reserves in a healthy position. She reported that for the first four months of the year we'll work under the old fees and then switch to the new ones. She anticipates that the reserves at the end of the year to be \$27,688.00, instead of \$6,000.00.

**MOTION: To recommend approval of the budget. Moved by:** Dave Maddison. **Seconded by:** Ed Ruppel. **All voted aye.**

**Other: None**

## **NEW BUSINESS:**

Doris reported that MaryLou Freese was resigning from the board for health reasons.

### **Planning Board Member Reports**

Pat Bradley alerted everyone to two articles regarding eminent domain and subsequent initiatives to be on the ballot. One is from July 20, 2006 issue of *The Montana Standard* entitled "Mysterious Initiative Group Accused of 'money laundering'". The other appeared in the *High Country New* issue of July 24, 2006 and is entitled "Taking Liberties". Two initiatives will be on the November ballot regarding this topic. They will be identified as CI 97 and 154. If passed, they would eliminate land use planning in Montana.

**The meeting adjourned at 9:50 p.m.**

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**William J. Olson, President    Marilee F. Tucker, Secretary**